

# EXHIBIT 1

FILED  
3/3/2021 5:01 PM  
IRIS Y. MARTINEZ  
CIRCUIT CLERK  
COOK COUNTY, IL  
12429524

DWAYNE MOTLEY,

Plaintiff,

v.

MI-JACK PRODUCTS, INC.,

Defendant.

Case No, 2021L002554

Judge \_\_\_\_\_

**JURY TRIAL DEMANDED**

**COMPLAINT**

Plaintiff, Dwayne Motley (“Mr. Motley”), by and through his undersigned counsel, alleges and states as follows as his Complaint against Defendant, MI-JACK PRODUCTS, INC. (“Mi-Jack”):

**THE PARTIES**

1. Plaintiff, Mr. Motley, is a citizen and resident of the State of Indiana, residing in Hammond, Indiana. At all relevant times, Mr. Motley was employed by Mi-Jack at its facility located at 3111 167th Street, Hazel Crest, Illinois 60429-0975.
2. At all relevant times, Mi-Jack did business, and regularly and continuously transacted business in the State of Illinois and in this County. At all relevant times, Mi-Jack was the employer of Mr. Motley.

**JURISDICTION & VENUE**

3. The Court has jurisdiction over this matter, and venue is proper because Mi-Jack at all relevant times was doing and transacting business in this County, including by way

of employing Mr. Motley, and the events and omissions giving rise to Mr. Motley's claims all occurred in this County.

#### **BACKGROUND FACTS**

4. Mr. Motley began his employment with Mi-Jack in 2015.
5. At all relevant times, Mr. Motley was employed by Mi-Jack as a Welder.
6. At all relevant times, Mr. Motley met and/or exceeded the Mi-Jack's legitimate performance expectations.
7. Indeed, on or about February 26, 2020, Mi-Jack issued Mr. Motley a written performance appraisal in which it stated, *inter alia*, that Mr. Motley had a "great attitude;" "works well with everyone in the shop;" and that he was "always at work on time."
8. In or about March 2020, Mr. Motley requested and was granted leave under the Family and Medical Leave Act ("FMLA") from Mi-Jack because of his own "serious health condition," as defined by the FMLA, including prostate cancer and prostate cancer surgery. *See* 29 C.F.R. 825.113 (defining "serious health condition").
9. Shortly thereafter, on or about April 7, 2020, Mi-Jack fired Mr. Motley because of, an in retaliation for, Mr. Motley's exercise of his rights under the FMLA.
10. In connection with his termination and thereafter, Mi-Jack has asserted and relied upon pretextual bases for firing Mr. Motley in order to cover up its illegal and retaliatory activity.

**LEGAL CLAIMS**

**COUNT I**  
**(VIOLATIONS OF THE FMLA)**

11. Mr. Motley incorporates by reference, as though fully set forth herein, Paragraphs 1 through 10 above as Paragraph 11 of Count I of his Complaint.

12. At all relevant times, Mr. Motley was an “eligible employee” of Mi-Jack within the meaning of the Family and Medical Leave Act (“FMLA”), 29 U.S.C. § 2601, *et seq.*, and a “person” subject to the FMLA’s coverage.

13. At all relevant times, Mi-Jack was an “employer” within the meaning of the FMLA. *Id.*

14. The FMLA forbids an employer from discriminating or retaliating against an employee because of his assertion of his rights under the FMLA.

15. Here, Mi-Jack terminated Mr. Motley’s employment because he took FMLA time off and in retaliation for taking such leave.

16. In so doing, Mi-Jack acted intentionally, willfully, and wantonly, and with intentional disregard for Mr. Motley’s rights and the law.

17. As a direct and proximate result of Mi-Jack’s discriminatory and retaliatory action in violation of the FMLA, Mr. Motley has suffered damages, including but not limited to: loss of wages, loss of benefits, and emotional distress.

**WHEREFORE**, Plaintiff, Mr. Motley, by and through his undersigned counsel, respectfully prays for the entry of judgment in his favor and against the Defendant on Count I of his Complaint, in an amount in excess of \$100,000 and to be more fully proven through discovery and trial, for all compensatory damages that he is allowed to

recover under the FMLA, for liquidated damages as allowed under the FMLA, for reinstatement, for emotional distress damages, punitive damages, interest, and for all other relief that he is entitled to recover under the FMLA, and for all such other and further relief as is appropriate under the circumstances.

**JURY TRIAL DEMANDED**

**RESPECTFULLY SUBMITTED,**

By: s/Michael I. Leonard  
Counsel for Plaintiff

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